

105.2	308.5	1010.2.7	2901.1
107.2.6	308.5.1	1010.3.3	2902.2
110.3	308.5.3	1101.2	2902.6
112.3	308.5.4	1108.6.1.2	3102.5
113 plus subsections	310.2	1108.6.2.2.2	3201.1
305.2	310.4.1	1108.6.2.3.2	3202.1
305.2.2	406.4.3	1108.6.3	Table 2901.1 Footnote (e)
Table 1004.1.2			

22 (C) The following definition is deleted from Section 202.2.1 (*General Definitions*) of
 23 the 2021 International Building Code:

24 FOSTER CARE FACILITIES.

25 (D) The city clerk shall file a copy of the 2021 International Building Code with the
 26 official ordinances of the City.

27 **§ 25-12-2 CITATIONS TO THE BUILDING CODE.**

28 In the City Code, “Building Code” means the 2021 International Building
 29 Code adopted in Section 25-12-1 (*International Building Code*) as amended by
 30 Section 25-12-3 (*Local Amendments to the International Building Code*).

31 **§ 25-12-3 LOCAL AMENDMENTS TO THE INTERNATIONAL**
 32 **BUILDING CODE.**

33 Each provision in this section is a substitute for the identically numbered provision
 34 deleted in Section 25-12-1(B) (*International Building Code*) or is an addition to the 2021
 35 International Building Code.

36 [A] 101.4.1 Gas. The provisions of the International Fuel Gas Code and the Plumbing
 37 Code shall apply to the installation of gas piping from the point of delivery, gas
 38 appliances, and related accessories as covered in this code. The Plumbing Code
 39 supersedes the International Fuel Gas Code to the extent of conflict. These requirements
 40 apply to gas piping systems extending from the point of delivery to the inlet connections

41 of appliances and the installation and operation of residential and commercial gas
42 appliances and related accessories.

43 [A] 101.4.2 Mechanical. The provisions of the International Mechanical Code and the
44 Mechanical Code shall apply to the installation, alterations, repairs, and replacement of
45 mechanical systems, including equipment, appliances, fixtures, fittings, and/or
46 appurtenances, including ventilating, heating, cooling, air conditioning, and refrigeration
47 systems, incinerators, and other energy related systems. The Mechanical Code supersedes
48 the International Mechanical Code to the extent of conflict.

49 [A] 101.4.3 Plumbing. The provisions of the International Plumbing Code and the
50 Plumbing Code shall apply to the installation, alteration, repairs, and replacement of
51 plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances,
52 and where connected to a water or sewage system and all aspects of a medical gas
53 system. The Plumbing Code supersedes the International Plumbing Code to the extent of
54 conflict. The provisions of the International Private Sewage Disposal Code and the
55 Plumbing Code shall apply to private sewage disposal systems. The Plumbing Code
56 supersedes the International Private Sewage Code to the extent of conflict.

57 101.4.8 Wildland-Urban Interface. The provisions of the International Wildland-Urban
58 Interface Code shall apply to matters governing the construction, alteration, movement,
59 repair, maintenance and use of any building, structure or premises within the wildland-
60 urban interface areas in this jurisdiction.

61 101.4.9 Building Criteria Manual. Additional information on procedures and rules for
62 administration of this code are available in the Building Criteria Manual.

63 **Section 103 BUILDING OFFICIAL**

64 103.1 Building Official. The building official administers, enforces, and interprets this
65 code. The building official may designate one or more deputy building officials.

66 [A] 104.2.1 Determination of Substantially Improved or Substantially Damaged Existing
67 Buildings and Structures in Flood Hazard Areas. For applications for reconstruction,
68 rehabilitation, repair, alteration, addition or other improvement of existing buildings or
69 structures located in flood hazard areas, the building official shall examine or cause to be
70 examined the construction documents and shall prepare a finding with regard to the value
71 of the proposed work. If the work is a substantial improvement as defined in Section 25-
72 12-52 (*Definitions*), the proposed work shall comply with Article 3 (*Flood Hazard*
73 *Areas*).

74 [A] 105.1.1 Annual Permit. Instead of an individual permit for each alteration to an
75 already approved electrical, gas, mechanical or plumbing installation, and minor building

76 alterations and repairs, the building official is authorized to issue an annual permit upon
77 application to any person, firm or corporation regularly employing one or more qualified
78 trade persons in the building, structure or on the premises owned or operated by the
79 applicant for the permit. The facility shall maintain records on all work performed under
80 the annual permit in accordance with Section 105.1.2 (*Annual Permit Records*).

81 105.1.1.1 Authorized Scope of Work. See Building Criteria Manual, Section 1.1.2
82 (*Building Inspection Processes*) for scope of work authorized under the annual permit.

83 [A] 105.2 Work Exempt from Permit. A permit is not required for the work described in
84 this provision. Work exempt from a permit shall still comply with this code and all other
85 applicable laws and City Code requirements.

86 Building:

- 87 1. One-story detached accessory structures used as tool and storage sheds,
88 playhouses, shade cloth structures constructed for outdoor covered areas that are
89 not A2 or E occupancies, and similar uses, provided the floor area is not greater
90 than 120 square feet (11 m²); provided they are not located within a flood hazard
91 area.
- 92 2. Fences not over 7 feet (2,134 mm) high; provided they are not located within a
93 flood hazard area.
- 94 3. Oil derricks; provided they are not located within a flood hazard area.
- 95 4. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the
96 bottom of the footing to the top of the wall, unless supporting a surcharge or
97 impounding Class I, II or IIIA liquids; provided they are not located within a flood
98 hazard area.
- 99 5. Water tanks supported directly on grade if the capacity is not greater than 5,000
100 gallons (18,925 L) and the ratio of height to diameter or width is not greater than
101 2:1; provided they are not located within a flood hazard area.
- 102 6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade,
103 and not over any basement or story below and are not part of an accessible route;
104 provided they are not located within a flood hazard area.
- 105 7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- 106 8. Temporary motion picture, television, and theater stage sets and scenery.

- 107 9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less
108 than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and
109 are installed entirely above ground; provided they are not located within a flood
110 hazard area.
- 111 10. Shade cloth structures constructed for nursery or agricultural purposes, not
112 including service systems; provided they are not located within a flood hazard area.
- 113 11. Swings and other playground equipment accessory to detached one- and two-
114 family dwellings; provided they are not located within a flood hazard area.
- 115 12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall
116 that do not project more than 54 inches (1,372 mm) from the exterior wall and do
117 not require additional support.
- 118 13. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5
119 feet 9 inches (1,753 mm) in height.
- 120 14. Repair and replacement to gypsum board and backer board that are not part of a
121 fire-resistance-rated wall, a shear assembly, or wet areas if it is limited to a
122 maximum of 96 square feet.
- 123 15. Emergency removal of water damaged material such as, but not limited to gypsum
124 board, insulation, wood paneling, etc., in order to avoid health hazard issues; a
125 permit is required for the repairs.
- 126 16. Repair to exterior siding that is not part of a fire-rated assembly wall or shear
127 assembly if it is limited to a maximum of 96 square feet.
- 128 17. Other work as determined by the building official.

129 Electrical:

- 130 1. Repairs and maintenance: Minor repair work, including the replacement of lamps
131 or the connection of approved portable electrical equipment to approved
132 permanently installed receptacles.
- 133 2. Radio and television transmitting stations: The provisions of this code shall not
134 apply to electrical equipment used for radio and television transmissions, but do
135 apply to equipment and wiring for a power supply and the installations of towers
136 and antennas.

137 3. Temporary testing systems: A permit shall not be required for the installation of
138 any temporary system required for the testing or servicing of electrical equipment
139 or apparatus.

140 4. Electrical work exempt from permit within the Electrical Code.

141 5. Other work as determined by the building official.

142 Mechanical:

143 1. Exemptions authorized in the Mechanical Code.

144 2. Other work as determined by the building official.

145 Plumbing:

146 1. Exemptions authorized in the Plumbing Code.

147 2. Other work as determined by the building official.

148 105.5 Time Limits. Article 13 (*Administration of Technical Codes*) of this chapter
149 establishes permit application time limits and requirements applicable to permit
150 expiration and reactivation, including a review fee for expired permits.

151 [A] 107.2.6 Site Plan. The construction documents submitted with the application for
152 permit shall be accompanied by a site plan showing to scale the size and location of new
153 construction and existing structures on the site, distances from lot lines, the established
154 street grades and the proposed finished grades, and as applicable, flood hazard areas,
155 floodways, and design flood elevations; and it shall be drawn in accordance with an
156 accurate boundary line survey. In the case of demolition, the site plan shall show
157 construction to be demolished and the location and size of existing structures and
158 construction that are to remain on the site or plot. For a building or structure involving
159 below-grade construction, the site plan shall show the location of proposed earth
160 retention system components allowed under Section 3202.1.4 (*Earth Retention System*
161 *Components*). The building official is authorized to waive or modify the requirement for
162 a site plan when the application for permit is for alteration or repair or when otherwise
163 warranted.

164 108.5 Temporary Earth Retention Systems. Temporary earth retention system
165 components used to facilitate below-grade construction of a building or structure shall
166 conform to Sections 1811 (*Earth Retention Systems*) and Section 3202.1.4 (*Earth*
167 *retention system components*).

168 109.7 Plan Review Fees. An applicant shall pay a plan review fee, adopted by separate
169 ordinance, when plans and specifications are submitted for review under Section 107
170 (*Submittal Documents*). The building official shall charge an additional plan review fee
171 if plans are incomplete or changed so as to require additional plan review. The plan
172 review fees referenced in this section are in addition to the permit fees referenced in
173 Section 109.1 (*Payment of fees*).

174 110.3 Required inspections. The building official, upon notification, shall make
175 inspections set forth in Sections 110.3.1 through 110.3.12 and the Building Criteria
176 Manual.

177 112.3 Authority to Disconnect Service Utilities. The building official shall have the
178 authority to authorize disconnection of utility service to the building, structure or system
179 regulated by this code and the referenced codes and standards in case of emergency
180 where necessary to eliminate an immediate hazard to life or property, where one or more
181 circumstances listed in Section 15-9-101(A)(2) (*Basis for Termination of Service*) exist,
182 or where such utility connection has been made without the approval required by Section
183 112.1 or 112.2. The building official shall provide notice in accordance with Section 15-
184 9-106 (*Notice of Service Disconnection*) of the decision to disconnect prior to taking such
185 action. If not notified prior to disconnecting, the owner or the owner's authorized agent or
186 occupant of the building, structure or service system shall be notified in writing, as soon
187 as practical thereafter in accordance with Section 15-9-106 (*Notice of Service*
188 *Disconnection*).

189 113 Building and Fire Code Board of Appeals. Regulations regarding the Building and
190 Fire Code Board of Appeals are found in Chapter 2-1 (*City Boards*).

191 **Section 202 Definitions.**

192 202.1 Supplemental definitions. The definitions in this subsection apply throughout this
193 code and supplement the definitions in Section 202 (*General Definitions*) in the 2021
194 International Building Code.

195 **BED AND BREAKFAST.** A private residence having a limited number of sleeping
196 rooms which are available for transient guests who have paid for accommodations. For
197 the different classifications of bed and breakfast structures refer to Section 25-2-781 (*Bed*
198 *and Breakfast Residential Use Structures Classified*).

199 **START OF CONSTRUCTION.** The date a permit is issued for new construction or
200 substantial improvements to existing structures if construction, repair, reconstruction,
201 rehabilitation, addition, placement or other improvement starts within 180 days from the
202 date the permit is issued. Construction starts when permanent construction of a building
203 (including a manufactured home) is first placed and includes pouring a slab or footing,

204 installing pilings, or constructing columns. Permanent construction does not include
205 preparing land (clearing, excavating, grading, or filing); installing streets or walkways;
206 excavating for a basement, footing, pier, or foundation; or erecting temporary forms or
207 installing accessory buildings not occupied as dwelling units or not part of the main
208 building. For a substantial improvement, construction starts when a wall, ceiling, floor, or
209 other structural part of a building is altered even if the alteration does not affect the
210 external dimensions of the building.

211 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure, whereby the
212 cost of restoring the structure to its before-damage condition would equal or exceed 50
213 percent of the market value of the structure before the damage occurred.

214 305.2 Group E, Day Care Facilities. This group includes buildings and structures, or
215 portions thereof occupied by more than six children older than 2 ½ years of age who
216 receive educational, supervision, or personal care services for fewer than 24 hours per
217 day.

218 305.2.2 Six or Fewer Children. A facility having six or fewer children receiving such day
219 care shall be classified as part of the primary occupancy.

220 305.2.3 Six or Fewer Children in a Dwelling Unit. A facility such as the above within a
221 dwelling unit and having six or fewer children receiving such day care shall be classified
222 as a Group R-3 occupancy or shall comply with the Residential Code.

223 308.2.3 Seven to 16 Persons Receiving Custodial Care. A facility housing not fewer than
224 seven and not more than 16 persons receiving custodial care shall be classified as Group
225 R-4.

226 308.2.4 Six or Fewer Persons Receiving Custodial Care. A facility with six or fewer
227 persons receiving custodial care shall be classified as Group R-3 or shall comply with the
228 Residential Code provided an automatic sprinkler system is installed in accordance with
229 Section 903.3.1.3 or Section P2904 of the Residential Code.

230 308.3 Institutional Group I-2. Institutional I-2 occupancy shall include buildings and
231 structures used for medical care on a 24-hour basis for more than six persons who are
232 incapable of self-preservation. This group shall include, but not be limited to, the
233 following: detoxification facilities; hospitals; nursing homes; and psychiatric hospitals.

234 308.3.1.1 Condition 1. This occupancy condition shall include facilities that provide
235 nursing and medical care but do not provide emergency care, surgery, obstetrics or in-
236 patient stabilization units for psychiatric or detoxification, including but not limited to
237 nursing homes.

238 308.3.2 Six or Fewer Persons Receiving Medical Care. A facility with six or fewer
239 persons receiving medical care shall be classified as Group R-3 or shall comply with the
240 Residential Code provided an automatic sprinkler system is installed in accordance with
241 Section 903.3.1.3 or Section P2904 of the Residential Code.

242 308.5 Institutional Group I-4, Day Care Facilities. Institutional Group I-4 shall include
243 buildings and structures occupied by more than six persons of any age who receive
244 custodial care for fewer than 24 hours per day by persons other than parents or guardians,
245 relatives by blood, marriage, or adoption, and in a place other than the home of the
246 person cared for. This group shall include, but not be limited to, the following: adult day
247 care and child day care.

248 308.5.1 Classification as Group E. A child care facility that provides care for more
249 than six but no more than 100 children 2 ½ years or less of age, where the rooms in
250 which the children are cared for are located on a level of exit discharge serving
251 such rooms and each of these child care rooms has an exit door directly to the
252 exterior, shall be classified as Group E.

253 308.5.3 Six or Fewer Persons Receiving Care. A facility having six or fewer
254 persons receiving custodial care shall be classified as part of the primary
255 occupancy.

256 308.5.4 Six or Fewer Persons Receiving Care in a Dwelling Unit. A facility such
257 as the above within a dwelling unit and having six or fewer persons receiving
258 custodial care shall be classified as a Group R-3 occupancy or shall comply with
259 the International Residential Code, provided an automatic sprinkler system is
260 installed in accordance with Section 903.3.1.3 (*NFPA 13D sprinkler systems*) or
261 with Section P2904 of the Residential Code.

262 310.2 Residential Group R-1. Residential occupancies containing sleeping units where
263 the occupants are primarily transient in nature including: boarding houses (transient) with
264 more than 10 occupants, congregate living facilities (transient) with more than 10
265 occupants, hotels (transient), motels (transient), and bed and breakfast establishments.

266 Exception. Compliance with Section 903.2.8 (Group R) is not required for a single
267 structure Group R-1 Bed and Breakfast occupancy described in Section 25-2-781
268 (*Bed and Breakfast Residential Use Structures Classified*) when the owner resides
269 within the Bed and Breakfast occupancy and provided that:

- 270 1. The structure is a detached single-family home that was legally constructed
271 and occupied as a single-family residence prior to January 1, 2006;
- 272 2. The total number of sleeping rooms did not increase after January 1, 2006;

- 273 3. The residence is protected by a monitored residential style fire/security
274 system with an appropriate automatic smoke detection system installed
275 throughout the residence with occupant notification devices in accordance
276 with Section 907.5 (*Occupant notification systems*); and
- 277 4. The residential style fire/security system shall be inspected, tested and
278 maintained in accordance with Section 907.8 (*Inspection, testing and*
279 *maintenance*).

280 310.4.1 Care Facilities within a Dwelling. Care facilities for six or fewer persons
281 receiving care that are within a single-family dwelling are permitted to comply with the
282 Residential Code, provided an automatic sprinkler system is installed in accordance with
283 Section 903.3.1.3 (*NFPA 13D sprinkler systems*) or with Section P2904 of the
284 Residential Code.

285 Exception: Compliance with Section 903.3.1.3 (*NFPA 13D sprinkler systems*) is
286 not required for adult care and child care facilities that are within the proprietor's
287 single-family home; provided that the home was permitted prior to October 1,
288 2010.

289 406.4.3 Ramps. The minimum width and depth of parking spaces and vehicle circulation
290 aisles shall be in accordance with the Austin Transportation Criteria Manual, Table 9-1 or
291 Table 9-2 (residential and low-use garages only). Vehicle ramps shall not be considered
292 as required exits unless pedestrian facilities are provided. Vehicle ramps that are utilized
293 for vertical circulation as well as for parking shall not exceed a slope of 1 unit vertical in
294 15 unit's horizontal (6.67-percent slope).

295 414.1.3 Information Required. Separate floor plans shall be submitted for buildings and
296 structures with an occupancy in Group H, identifying the locations of anticipated contents
297 and processes, to reflect the nature of each occupied portion of every building and
298 structure. The floor plan shall identify the hazards associated with the contents and
299 processes. A report identifying hazardous materials including, but not limited to,
300 materials representing hazards that are classified in Group H to be stored or used, shall be
301 submitted and the methods of protection from such hazards shall be indicated on the
302 construction documents. The building official or fire marshal may also require a technical
303 opinion that addresses the adequacy of the protective measures provided. The opinion
304 and report shall be prepared by a qualified individual, firm or corporation approved by
305 the building official and fire marshal, and shall be provided without charge to the City.

306 503.1.4 Occupied Roofs. A roof level or portion thereof shall be permitted to be used as
307 an occupied roof provided the occupancy of the roof is an occupancy that is permitted by
308 Table 504.4 for the story immediately below the roof. The area of the occupied roofs
309 shall not be included in the building area as regulated by Section 506. An occupied roof

310 shall not be included in the building height or number of stories as regulated by Section
311 504, provided that the penthouses and other enclosed rooftop structures comply with
312 Section 1511.

313 Exceptions:

- 314 1. The occupancy located on an occupied roof shall not be limited to the
315 occupancies allowed on the story immediately below the roof where the
316 building is equipped throughout with an automatic sprinkler system in
317 accordance with Section 903.3.1.1 or 903.3.1.2 and occupant notification in
318 accordance with Sections 907.5.2.1 and 907.5.2.3 is provided in the area of
319 the occupied roof. Emergency voice/alarm communication system
320 notification per Section 907.5.2.2 shall also be provided in the area of the
321 occupied roof where such system is required elsewhere in the building.
- 322 2. Assembly occupancies shall be permitted on roofs of open parking spaces of
323 Type I or Type II construction, in accordance with the exception to Section
324 903.2.1.6.
- 325 3. An open noncombustible trellis or similar overhead shading device
326 complying with the structural requirements of this code shall not be
327 considered as a covering or roof provided that the trellis or shade has an
328 evenly distributed net free area of 50 percent or greater.

329 503.1.4.2 Interstitial Spaces Beneath Rooftop Occupancies. When decks or other
330 walking surfaces are constructed above a roof to facilitate rooftop occupancy, the
331 space between the roof surface and the deck or walking surface shall be
332 constructed in a manner that precludes the accumulation of material between the
333 roof surface and the deck or walking surface and that prevents the introduction of
334 ignition sources to the space, and allows for proper roof drainage.

335 **CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS.**

336 901.1 Scope. The provisions of this chapter shall specify where fire protection and life
337 safety systems are required and shall apply to the design, installation and operation of fire
338 protection and life safety systems. For those requirements, see Chapter 25-12, Article 7
339 (*Fire Code*).

341
342

Table 1004.1.2

MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR ^a
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport Terminal Baggage claim Baggage handling Concourse Waiting areas	20 gross 300 gross 100 gross 15 gross
Assembly Gaming floors (keno, slots, etc.) Exhibit Gallery and Museum	11 gross 30 net
Assembly with fixed seats	See Section 1004.5
Assembly without fixed seats Concentrated Standing space or queuing space Unconcentrated (tables and chairs)	7 net 7 net 15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net

Business areas	100 gross
Courtrooms—other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational	
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
Group H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Mall buildings—covered and open	See section 402.8.2
Mercantile	60 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross

Skating rinks, swimming pools	
Rink and pool	50 gross
Decks	15 gross
Stages and platforms	15 net
Warehouses	500 gross
For SI: 1 square foot = 0.0929 m ² .	
a. Floor area in square feet per occupant	

343

344 1008.2.1 Illumination Level Under Normal Power. The means of egress illumination
345 level shall be not less than 1 foot-candle (11 lux) at the walking surface.

346 Exception: For auditoriums, theaters, concert or opera halls and similar assembly
347 occupancies, the illumination at the walking surface is permitted to be reduced
348 during performances by one of the following methods provided that the required
349 illumination is automatically restored upon activation of a premises' fire alarm
350 system:

- 351 1. Externally illuminated walking surfaces shall be permitted to be illuminated
352 to not less than 0.2 foot-candle (2.15 lux).
- 353 2. Steps, landings and the sides of ramps shall be permitted to be marked with
354 self-luminous materials in accordance with Sections 1025.2.1, 1025.2.2 and
355 1025.2.4 by systems listed in accordance with UL 1994; or in accordance
356 with Section 1025.6.

357 1009.3 Stairways. In order to be considered part of an accessible means of egress, a
358 stairway between stories shall have a clear width of 48 inches (1,219 mm) minimum
359 between handrails and shall either incorporate an area of refuge within an enlarged floor-
360 level landing or shall be accessed from an area of refuge complying with Section 1009.6
361 (*Areas of Refuge*). Exit access stairways that connect levels in the same story are not
362 permitted as part of an accessible means of egress.

363 Exceptions:

- 364 1. Exit access stairways providing means of egress from mezzanines are
365 permitted as part of an accessible means of egress.

- 366 2. Except for a building governed by Section 403 (*High-Rise Buildings*), the
367 clear width of 48 inches (1,219 mm) between handrails is not required in
368 buildings equipped throughout with an automatic sprinkler system installed
369 in accordance with Section 903.3.1.1 (*NFPA 13 sprinkler systems*) or
370 903.3.1.2 (*NFPA 13R sprinkler systems*).
- 371 3. Areas of refuge are not required at exit access stairways where two-way
372 communication is provided at the elevator landing in accordance with
373 Section 1009.8 (*Two-way communication*).
- 374 4. Except for a building governed by Section 403 (*High-Rise Buildings*), the
375 areas of refuge are not required at stairways in buildings equipped
376 throughout with an automatic sprinkler system installed in accordance with
377 Section 903.3.1.1 (*NFPA 13 sprinkler systems*) or 903.3.1.2 (*NFPA 13R*
378 *sprinkler systems*).
- 379 5. Areas of refuge are not required at stairways serving open parking garages.
- 380 6. Areas of refuge are not required for smoke-protected assembly seating areas
381 complying with Section 1029.6.2 (*Smoke-protected assembly seating*).
- 382 7. Areas of refuge are not required for stairways accessed from a refuge area in
383 conjunction with a horizontal exit.

384 1010.1.2 Door Swing. Egress doors shall be of the pivoted or side-hinged swinging type.

385 Exceptions:

- 386 1. Private garages, office areas, factory and storage areas with an occupant load
387 of 10 or less.
- 388 2. Group I-3 occupancies used as a place of detention.
- 389 3. Critical or intensive care patient rooms within suites of health care facilities.
- 390 4. Doors within or serving a single dwelling unit in Groups R-2 and R-3.
- 391 5. In other than Group H occupancies, revolving doors complying with Section
392 1010.3.1 (*Revolving doors*).
- 393 6. In other than Group H-1, H-2, H-3, and H-4 occupancies, special purpose
394 horizontal sliding, accordion or folding door assemblies complying with
395 Section 1010.3.3.

- 396 7. Power-operated doors in accordance with Section 1010.3.2 (*Power-operated*
397 *doors*).
- 398 8. Doors serving a bathroom within an individual sleeping unit in Group R-1.
- 399 9. In other than Group H occupancies, manually operated horizontal sliding
400 doors are permitted in a means of egress from spaces with an occupant load
401 of 10 or less.

402 1010.2.7 Stairway Doors. Interior stairway means of egress doors shall be openable from
403 both sides without the use of a key or special knowledge or effort.

404 Exceptions:

- 405 1. Stairway discharge doors shall be openable from the egress side and shall only be
406 locked from the opposite side.
- 407 2. This section shall not apply to doors arranged in accordance with Section 403.5.3
408 (*Stairway door operation*).
- 409 3. In stairways serving two stories or greater in a building not classified as a high-rise
410 by Section 403 (*High-Rise Buildings*), doors are permitted to be locked from the
411 side opposite the egress side, provided they are openable from the egress side. The
412 exit doors shall be capable of being unlocked simultaneously without unlatching
413 upon a signal from and approved fire department key switch. The key switch shall
414 be located at the exterior opening of the stair or at the main entrance to the
415 building.
- 416 4. Stairway exit doors shall be openable from the egress side and shall only be locked
417 from the opposite side in Group B, F, M and S occupancies where the only interior
418 access to the tenant space is from a single exit stairway where permitted in Section
419 1006.3.4 (*Single exits*).
- 420 5. Stairway exit doors shall be openable from the egress side and shall only be locked
421 from the opposite side in Group R-2 occupancies where the only interior access to
422 the dwelling unit is from a single exit stairway where permitted in Section 1006.3.4
423 (*Single exits*).

424 1010.3.3 Special Purpose Horizontal Sliding, Accordion or Folding Doors. In other than
425 Group H-1, H-2, H3 and H-4 occupancies, special purpose horizontal sliding, accordion
426 or folding door assemblies permitted to be a component of a means of egress in
427 accordance with Exception 6 to Section 1010.1.2 (*Door swing*) shall comply with all of
428 the following criteria:

- 429 1. The doors shall be power operated and shall be capable of being operated
430 manually in the event of power failure.
- 431 2. The doors shall be openable by a simple method without special knowledge or
432 effort from the egress side or sides.
- 433 3. The force required to operate the door shall not exceed 30 pounds (133 N) to set
434 the door in motion and 15 pounds (67 N) to close or open the door to the minimum
435 required width.
- 436 4. The door shall be openable with a force not to exceed 15 pounds (67 N) when a
437 force of 250 pounds (1100 N) is applied perpendicular to the door adjacent to the
438 operating device.
- 439 5. The door assembly shall comply with the applicable fire protection rating and,
440 where rated, shall be self-closing or automatic closing by smoke detection in
441 accordance with Section 716.2.6.6 (*Smoke-activated doors*), shall be installed in
442 accordance with NFPA 80 and shall comply with Section 716 (*Door closing*).
- 443 6. The door assembly shall have an integrated standby power supply.
- 444 7. The door assembly power supply shall be electrically supervised.
- 445 8. The door shall open to the minimum required width within 10 seconds after
446 activation of the operating device.

447 1025.6 Active Egress Path Illumination System. An active egress path illumination
448 system shall be in accordance with Sections 1025.6.1 (*Luminaires*) through 1025.6.6.3
449 (*Instrumentation and Annunciation*). Designs complying with this section are equivalent
450 to the requirements in Sections 1025.1 (*General*) through 1025.5 (*Illumination*).

451 The level of the egress illumination shall be in accordance with Section 1008 (*Means of*
452 *Egress Illumination*).

453 1025.6.1 Luminaires. Luminaires shall be listed for emergency illumination and contain a
454 lamp with an integral battery, battery charger and manual test switch and comply with
455 Article 700 of the Electrical Code. The unit equipment shall be housed in a rated fixture
456 for indoor wet locations. Luminaire batteries shall be listed for use as a secondary power
457 supply in accordance with UL 924. Luminaires shall not be equipped with an occupancy
458 sensor. Every luminaire shall have a test switch to confirm the lamp's availability for
459 service when operating on primary or emergency power.

460

461 Exception: The integral battery and battery charger is not required when
462 luminaires are connected to a Stored Energy Emergency Power Supply System
463 (SEPSS) complying with Section 1025.6.5 (*Stored Energy Emergency Power*
464 *Supply System*).

465 1025.6.2 Primary and Secondary Electrical Power. A primary and secondary power
466 source shall be provided for each luminaire. Primary power shall be a dedicated electrical
467 branch circuit supplied from utility power. Secondary power shall be a branch circuit
468 connected to an Emergency Power system complying with the International Fire Code
469 Section 1203.2.15 (*Means of Egress illumination*). The primary and emergency source
470 for each luminaire shall be connected to a dedicated primary and emergency power
471 branch circuit.

472 1025.6.3 Location. Luminaires for the active egress path illumination system shall be
473 located at each intermediate landing and stair landing within each interior exit stairway.

474 1025.6.4 Functional Test and Records. The luminaires shall be tested in accordance with
475 Fire Code Section 1032.10 (*Emergency Lighting Equipment Inspection and Testing*)
476 except that the frequency of activation tests shall be weekly. Documentation records for
477 the location of each luminaire and the results of the weekly activation and annual power
478 tests shall be in accordance with Fire Code Section 1032.10 (*Emergency Lighting*
479 *Equipment Inspection and Testing*). Records shall be available to the fire code official
480 upon request. Operational testing and maintenance reports produced by the SEPSS are
481 permitted provided they comply with NFPA 110 Chapter 8.

482 1025.6.5 Lamp Failure. Luminaire lamps that do not operate because of a test or an
483 incident shall be replaced. Any battery that cannot operate a lamp for a minimum of 90
484 minutes shall be replaced.

485 1025.6.6 Stored Energy Emergency Power Supply System (SEPSS). When provided, the
486 SEPSS with an integral alternating current – to – direct current inverter shall comply with
487 International Fire Code Section 1203.1.3 (*Installation*) and be listed in accordance with
488 UL 924. The SEPSS shall be designed as Level 1 system in accordance with NFPA 111.

489 The SEPSS shall be located in a room separated from the remainder of the building by a
490 minimum 1-hour fire-resistance rated construction and required opening protectives in
491 accordance with this code. The design temperature and humidity of the room housing the
492 SEPPS shall be in accordance the manufacture installation instructions.

493 SEPSS is prohibited inside a Fire Command Center.

494

495 1025.6.6.1 Load Carrying Capacity. Battery systems complying with NFPA 111
496 shall be used to supply the emergency power to luminaires serving the active
497 egress path illumination system. Batteries shall be rated for a minimum 90-minute
498 discharge time and sized based on the total combined load of luminaires connected
499 to the SEPSS.

500 1025.6.6.2 Required SEPSS. In buildings where the highest occupied floor is less
501 than or equal to 120 feet above the lowest level of fire department access, one
502 SEPSS shall be provided that complies with Section 1025.6.6 (*Stored Energy*
503 *Emergency Power Supply System*) for all required interior exit stairways. A SEPSS
504 shall be provided for each required interior exit stairway that serves floors greater
505 than 120 feet above the lowest level of fire department access.

506 1025.6.6.3 Instrumentation and Annunciation. Instrumentation and annunciation
507 shall be in accordance with NFPA 111. A remote annunciator displaying the status
508 of the SEPSS shall be provided in the Fire Command Center. The SEPSS and its
509 annunciator shall display the following information and its function shall be
510 identified in the Fire Command Center:

- 511 1. Electrical load on utility power;
- 512 2. Electrical load on emergency power;
- 513 3. Output circuit breaker open;
- 514 4. Output overload or overcurrent;
- 515 5. High temperature;
- 516 6. Emergency conversion equipment is bypassed;
- 517 7. Low battery capacity; and
- 518 8. Any major or minor alarms prescribed by the SEPSS manufacturer.

519 1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible
520 in accordance with this code and ICC A117.1.

521 Exception: Components of projects designed in accordance with and regulated by
522 the Architectural Barriers Division of the Texas Department of Licensing and
523 Regulation shall be deemed to be in compliance with the requirements of this
524 chapter, provided the scope of accessible features complies with the building code.

525 1108.6.1.2 Type B Units. In structures with three or more dwelling units or sleeping units
526 intended to be occupied as a residence, every dwelling unit and sleeping unit intended to
527 be occupied as a residence shall be a Type B unit.

528 Exception: The number of Type B units is permitted to be reduced in accordance
529 with Section 1108.7 (*General exceptions*).

530 1108.6.2.2.2 Type B Units. Where there are three or more dwelling units or sleeping units
531 intended to be occupied as a residence in a single structure, every dwelling unit and
532 sleeping unit intended to be occupied as a residence shall be a Type B unit.

533 Exception: The number of Type B units is permitted to be reduced in accordance
534 with Section 1108.7 (*General exceptions*).

535 1108.6.2.3.2 Type B Units. Where there are three or more dwelling units or sleeping units
536 intended to be occupied as a residence in a single structure, every dwelling unit and every
537 sleeping unit intended to be occupied as a residence shall be a Type B unit.

538 Exception: The number of Type B units is permitted to be reduced in accordance
539 with Section 1108.7 (*General exceptions*).

540 1108.6.3 Group R-3. In Group R-3 occupancies where there are three or more dwelling
541 units or sleeping units intended to be occupied as a residence in a single structure, every
542 dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B
543 unit. Bedrooms within congregate living facilities shall be counted as sleeping units for
544 the purpose of determining the number of units.

545 Exception: The number of Type B units is permitted to be reduced in accordance
546 with Section 1108.7 (*General exceptions*).

547 1108.6.4.2 Type B Units. In structures with three or more dwelling units or sleeping units
548 intended to be occupied as a residence, every dwelling unit and sleeping unit intended to
549 be occupied as a residence shall be a Type B unit.

550 Exception: The number of Type B units is permitted to be reduced in accordance
551 with Section 1108.7 (*General exceptions*).

552 1301.1 Energy Efficiency. Buildings shall be designed and constructed in accordance
553 with the Energy Code.

554 1607.8.2 Fire Truck and Emergency Vehicles. Where a structure or portions of a structure
555 are accessed and loaded by fire department access vehicles and other similar emergency
556 vehicles, the structure shall be designed as specified in the Fire Code Section 503.2.6
557 (*Bridges and elevated surfaces*).

558

559 **Section 1612 FLOOD LOADS.**

560 1612.1 General. A building or structure in a flood hazard area shall be designed and
561 constructed according to Article 3 (*Flood Hazard Areas*).

562 1612.2 Design and Construction. A building or structure in a flood hazard area shall be
563 designed in accordance with Article 3 (*Flood Hazard Areas*).

564 1612.3 Establishment of Flood Hazard Areas. Flood hazard areas are established in
565 Article 3 (*Flood Hazard Areas*).

566 1612.4 Flood Hazard Documentation. Article 3 (*Flood Hazard Areas*) describes the
567 documentation necessary for a building or structure located in a flood hazard area.

568 **Section 1811 EARTH RETENTION SYSTEMS**

569 1811.1 Tieback Anchors and Soil and Rock Nails. Tieback anchors and soil and rock
570 nails that are allowed in the public right-of-way as components of earth retention systems
571 as provided in Section 3202.1.4 (*Earth retention system components*) shall comply with
572 Sections 1811.1.1 (*Depth of tiebacks anchors and soil and rock nails*) through 1811.1.3
573 (*Length of tiebacks anchors and soil and rock nails*).

574 1811.1.1 Depth of Tieback Anchors and Soil and Rock Nails. At the right-of-way line,
575 tieback anchors and soil and rock anchors shall be at least 6 feet (1,829 mm) below the
576 elevation of the adjacent street curb.

577 1811.1.2 Separation Distance from Buried Utilities. Tieback anchors and soil and rock
578 nails shall be below and at least five feet (1,524 mm) away from the nearest outside
579 surface of any existing or planned buried utility in the public right-of-way.

580 1811.1.3 Length of Tieback Anchors and Soil and Rock Nails. Tieback anchors and soil
581 and rock nails that extend beyond the center of the public right-of-way are prohibited.

582 2108.4 ACI 530/ASCE 5/TMS402

583 Section 3.1.7.2.2. In Plane Bending. For masonry subjected to in-plane loads, the
584 modulus of rupture, f_r , normal and parallel to the bed joints shall be taken from Table
585 3.1.7.2.1. For grouted stack bond masonry, tension parallel to the bed joints shall be
586 assumed to be resisted only by the continuous horizontal grout section.

587 2901.1 Scope. The provisions of this chapter and the Plumbing Code shall govern the
588 design, construction, erection and installation of plumbing components, appliances,
589 equipment and systems used in buildings and structures covered by this code.

590 Table 2902.1, Column Header 4. Reference to Section 424.2 of the International
591 Plumbing Code shall be replaced with the following: In each bathroom or toilet room,
592 urinals shall not be substituted for more than 67 percent of the required water closets in
593 assembly and educational occupancies. Urinals shall not be substituted for more than 50
594 percent of the required water closets in all other occupancies.

595 Table 2902.1, Column Header 7. Reference to Section 410 of the International Plumbing
596 Code shall be replaced with Section 415 of the Plumbing Code.

597 2902.2 Separate Facilities. Where plumbing fixtures are required, separate facilities shall
598 be provided for each sex.

599 Exceptions:

- 600 1. Separate facilities shall not be required for dwelling units and sleeping units.
- 601 2. Separate facilities shall not be required in structures or tenant spaces with a
602 total occupant load, including both employees and customers, of 15 or
603 fewer.
- 604 3. Separate facilities shall not be required in mercantile occupancies in which
605 the maximum occupant load is 100 or fewer.
- 606 4. Separate facilities shall not be required in business occupancies when the
607 maximum occupant load is 50 or fewer.
- 608 5. Separate facilities shall not be required to be designated by sex where single-
609 user toilets rooms are provided in accordance with Section 2902.1.2.
- 610 6. Separate facilities shall not be required where rooms having both water
611 closets and lavatory fixtures are designed for use by both sexes and privacy
612 for water closets are installed in accordance with Section 405.3.4 of the
613 International Plumbing Code. Urinals shall be located in an area visually
614 separated from the remainder of the facility or each urinal that is provided
615 shall be located in a stall.

616 2902.6 Small Occupancies. Drinking fountains shall not be required for an occupant load
617 of 30 or fewer. For a business or a mercantile occupancy where the occupancy load is 30
618 or fewer, service sinks shall not be required.

619 3103.5 Portable Classrooms. Portable classroom buildings may be moved into or within
620 this jurisdiction or within a public school district without conforming to the adopted
621 Energy Code.

622 3201.1 Encroachments Scope. The provisions of this chapter shall govern the
623 encroachment of structures into the public right-of-way, including components of earth
624 retention systems used to facilitate below-grade construction of a building or structure.

625 3202.1 Encroachments Below Grade. Encroachments below grade shall comply with
626 Sections 3202.1.1 (*Structural support*) through 3202.1.4 (*Earth retention system*
627 *components*).

628 3202.1.4 Earth Retention System Components. Components of earth retention systems
629 that are required for structural support of a building or structure are prohibited in the
630 public right-of-way. Components of earth retention systems that are needed only during
631 construction of the below-grade portion of a building or structure are subject to the
632 following conditions:

- 633 1. Approval of the Director of the Public Works Department is required before
634 construction of earth retention system components in public right-of-way
635 commences.
- 636 2. All components of an earth retention system are prohibited in the public right-of-
637 way except for (1) tieback anchors that are part of a soldier pile and lagging
638 system; (2) tieback anchors that are part of a diaphragm or slurry wall system; (3)
639 tieback anchors that are part of a sheet pile wall system; (4) tieback anchors that
640 are part of a secant wall system; and (5) soil or rock nails that are part of a nail
641 wall.
- 642 3. Tieback anchors or soil or rock nails that are necessary as functional components
643 of the earth retention system for longer than 12 months are prohibited in the public
644 right-of-way.
- 645 4. Tieback anchors and soil and rock nails allowed in the public right-of-way shall be
646 designed according to the criteria in Section 1811 (*Earth Retention Systems*).

647 3202.3.4 Pedestrian Walkways. An approved encroachment agreement that complies with
648 Chapter 14-11 (*Use of Right of Way*) is required prior to the installation of a pedestrian
649 walkway and all associated utilities over a public right-of-way. The vertical clearance
650 from the public right-of-way to the lowest part of a pedestrian walkway shall be not less
651 than 16 feet 6 inches over roadway and alley subject to truck traffic, and not less than 15
652 feet over other areas in the right-of-way.

653

654 **PART 2.** City Code Chapter 25-12 (*Technical Codes*) is amended to repeal and replace
655 Article 10 (*Existing Building Code*) to read:

656 **ARTICLE 10. INTERNATIONAL EXISTING BUILDING CODE.**

657 **§ 25-12-231 INTERNATIONAL EXISTING BUILDING CODE.**

658 (A) The International Existing Building Code, 2021 Edition, published by the
659 International Code Council (“2021 International Existing Building Code”) is
660 adopted and incorporated by reference into this section with the deletions in
661 Subsection (B) and the amendments in Section 25-12-233 (*Local Amendments to*
662 *the International Existing Building Code*).

663 (B) The following provisions of the 2021 International Existing Building Code are
664 deleted.

665

103 plus subsections	105.1.1	105.5	106.2.6	111.3	112
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666

667 (C) The city clerk shall file a copy of the 2021 International Existing Building Code
668 with the official ordinances of the City.

669 **§ 25-12-232 CITATIONS TO THE 2021 EXISTING BUILDING CODE.**

670 In the City Code, “Existing Building Code” means the 2021 International Existing
671 Building Code adopted in Section 25-12-231 (*International Existing Building Code*) as
672 amended by Section 25-12-233 (*Local Amendments to the International Existing Building*
673 *Code*).

674 **§ 25-12-233 LOCAL AMENDMENTS TO THE 2021 EXISTING BUILDING**
675 **CODE.**

676 Each provision in this section is a substitute for the identically numbered provision
677 deleted in Section 25-12-231 (B) (*International Existing Building Code*) or is an addition
678 to the 2021 International Existing Building Code.

679 **SECTION 103 BUILDING OFFICIAL.**

680 [A] 103.1 Authority. The building official administers, enforces, and interprets this code.
681 The building official may designate one or more deputy building officials.

682 105.1.1 Annual permit. Instead of an individual permit for each alteration to an already
683 approved electrical, gas, mechanical or plumbing installation, and minor building
684 alterations and repairs, the building official is authorized to issue an annual permit upon

685 application therefor to any person, firm or corporation regularly employing one or more
686 qualified trade persons in the building, structure or on the premises owned or operated by
687 the applicant for the permit. The facility shall maintain records on all work performed
688 under the annual permit in accordance with Section 105.1.2 (*Annual Permit Records*).

689 105.1.1.1 Authorized Scope of Work. See Building Criteria Manual, Section 1.1.2
690 (*Building Inspection Processes*) for authorized work under the annual permit.

691 105.5 Time Limits. Article 13 (*Administration of Technical Codes*) of this chapter
692 establishes permit application time limits and requirements applicable to permit
693 expiration and reactivation, including a review fee for expired permits.

694 106.2.6 Site plan. The construction documents submitted with the application for permit
695 shall be accompanied by a site plan showing to scale the size and location of new
696 construction and existing structures on the site, distances from lot lines, the established
697 street grades and the proposed finished grades and, as applicable, flood hazard areas,
698 floodways, and design flood elevations: and it shall be drawn in accordance with an
699 accurate boundary line survey. In the case of demolition, the site plan shall show
700 construction to be demolished and the location and size of existing structures and
701 construction that are to remain on the site or plot. For a building or structure involving
702 below-grade construction, the site plan shall show the location of proposed earth
703 retention system components allowed under Section 3202.1.4 (*Earth Retention System*
704 *Components*) of the Building Code. The building official is authorized to waive or
705 modify the requirement of the site plan when the application for permit is for alteration,
706 repair or change of occupancy when otherwise warranted.

707 111.3 Authority to Disconnect Service Utilities. The building official shall have the
708 authority to authorize disconnection of utility service to the building, structure or system
709 regulated by this code and the referenced codes and standards in case of emergency
710 where necessary to eliminate an immediate hazard to life or property, where one or more
711 circumstances listed in Section 15-9-101(A)(2) (*Basis for Termination of Service*) exist,
712 or where such utility connection has been made without the approval required by Section
713 112.1 or 112.2. The building official shall provide notice in accordance with Section 15-
714 9-106 (*Notice of Service Disconnection*) of the decision to disconnect prior to taking such
715 action. If not notified prior to disconnecting, the owner or the owner's authorized agent or
716 occupant of the building, structure or service system shall be notified in writing, as soon
717 as practical thereafter in accordance with Section 15-9-106 (*Notice of Service*
718 *Disconnection*).

719 **Section 112 BUILDING AND FIRE CODE BOARD OF APPEALS.** The Building
720 and Fire Code Board of Appeals shall comply with Chapter 2-1 (*Boards and*
721 *Commissions*).

722 **PART 3.** City Code Chapter 25-12 (*Technical Codes*) is amended to repeal and replace
723 Article 13 (*Administration of Technical Codes*) to read as follows:

724 **ARTICLE 13. ADMINISTRATION OF TECHNICAL CODES.**

725 **§ 25-12-266 APPLICATION AND APPROVAL.**

726 City Code Chapter 25-1, Article 4 (*Application and Approval*) establishes general
727 provisions and requirements for filing and review of a permit application. Unless a permit
728 is issued, an application for any proposed work expires one year after the date the
729 application is filed. See the Building Criteria Manual for additional rules.

730 **§ 25-12-267 EXPIRATION.**

731 Except as provided in Section 25-12-268 (*Extension*) and Section 25-12-269
732 (*Reactivation*), a permit issued per the requirements of Chapter 25-11 (*Building,*
733 *Demolition, and Relocation Permits; Special Requirements for Historic Structures*) and
734 Chapter 25-12 (*Technical Codes*) expires on the 181st day:

- 735 1. after the date that the permit is issued, if the project has received no inspections as
736 required under this chapter; or
- 737 2. after the date of the last scheduled inspection if that inspection is scheduled before
738 the 181st day and once performed, shows progress towards completion of the
739 project.

740 Exception: An annual permit issued under Section 105.1.1 of the Building Code is
741 only valid for a period of 360 days from the date of issuance and does not qualify
742 for extension or reactivation.

743 **§ 25-12-268 EXTENSION.**

744 Upon written request submitted prior to the expiration date, the building official
745 may grant a one-time extension for a period not to exceed 180 days. Except as provided
746 in Section 25-12-269 (*Reactivation*), a permit issued per the requirements of this chapter
747 expires on the 181st day after the extension is granted if the project has received no
748 inspections required by this chapter.

749 **§ 25-12-269 REACTIVATION.**

- 750 (A) Except as provided in Subsection (C), the building official may reactivate a permit
751 issued pursuant Chapter 25-11 (*Building, Demolition, and Relocation Permits;*
752 *Special Requirements for Historic Structures*) and Chapter 25-12 (*Technical*

753 *Codes*) for a project that has received no inspections for a period of more than 180
754 days.

755 (B) A permit holder shall submit an application to reactivate a permit on a form
756 provided by the building official and pay a reactivation fee established by separate
757 ordinance.

758 (C) The building official may not reactivate a permit if the permit:

759 (1) was reactivated at least once; and

760 (2) does not comply with the City Code in effect at the time a permit holder
761 requests a reactivation.

762 (D) The building official may adopt an administrative rule that establishes additional
763 criteria for reactivating a permit.

764 (E) A permit that is reactivated in accordance with this section expires on the 181st
765 day after the date that the permit is reactivated if the project has received no
766 inspections as required by Chapter 25-11 (*Building, Demolition, and Relocation*
767 *Permits; Special Requirements for Historic Structures*) and Chapter 25-12
768 (*Technical Codes*).

769 **§ 25-12-270 REVIEW FEE FOR EXPIRED PERMITS.**

770 An applicant for a permit under this chapter shall pay an expired permit review fee,
771 established by separate ordinance, if the applicant has obtained one or more expired
772 permits that have not been either reactivated in accordance with the requirements of
773 Section 25-12-269 (*Reactivation*) or withdrawn by the property owner, in writing, on a
774 form provided by the building official

775 **§ 25-12-271 NOTICE OF APPEAL OR CASE BEFORE BOARD OR**
776 **COMMISSION UNDER THIS CHAPTER.**

777 Notice of a hearing on an appeal or case before a board or commission created by,
778 or having jurisdiction over, regulations contained in, or enforcement authorized under
779 this chapter, shall be given by mailing notice before the tenth day before the date of the
780 hearing to:

781 (1) the applicant;

782 (2) the notice owner of the subject property, if any;

783 (3) all parties to the appeal, including interested parties; and

- 784 (4) for an appeal or case before the Building and Standards Commission, to the
785 record owner, and all lienholders of record on the subject property.

786 **§ 25-12-272 RECOMMENDATION.**

787 The Building and Fire Code Board of Appeals is the board authorized to make
788 recommendations for changes to this article.

789 **PART 4.** City Code Chapter 25-12 (*Technical Codes*) is amended to add a new Article 3
790 (*Flood Hazard Areas*) to read as follows:

791 **ARTICLE 3. FLOOD HAZARD AREAS**

792 **§ 25-12-51 APPLICABILITY.**

- 793 (A) This article applies to the design, construction of buildings and structures, and
794 additions and alterations to buildings and structures located in flood hazard areas.
- 795 (B) This article is administered, implemented, and enforced in conjunction with each
796 article of Chapter 25-12 (*Technical Codes*).
- 797 (C) This article is amended in the same manner as the Building and Residential Codes.

798 **§ 25-12-52 DEFINITIONS.**

- 799 (A) Except as otherwise provided, the definitions in this subsection apply to all articles
800 in this chapter:
- 801 (1) **BASE FLOOD** A flood that has the following characteristics:
- 802 (a) For areas amended to incorporate Atlas 14 data, a flood that has a one
803 percent chance of being equaled or exceeded in any given year (100-
804 year flood) calculated under fully developed conditions as prescribed
805 by the Drainage Criteria Manual as amended to incorporate Atlas 14
806 data;
- 807 (b) For areas not yet amended to incorporate Atlas 14 data, a flood that
808 has a 0.2 percent chance of being equaled or exceeded in any given
809 year (500-year flood) calculated under the conditions underlying the
810 FEMA Flood Insurance Rate Map as of January 6, 2016, as
811 subsequently revised, or as calculated under existing conditions as
812 prescribed by the Drainage Criteria Manual using data predating Atlas
813 14; or
- 814 (c) For the Colorado River, a flood that has a one percent chance of being
815 equaled or exceeded in any given year (100-year flood) calculated

816 under the conditions underlying the FEMA Flood Insurance Rate Map
817 dated January 6, 2016, or as subsequently revised.

818 (2) **BASE FLOOD ELEVATION** The elevation of the base flood, including
819 wave height, relative to the National Geodetic Vertical Datum (NGVD),
820 North American Vertical Datum (NAVD) or other datum specified on the
821 Flood Insurance Rate Map (FIRM).

822 (3) **DESIGN FLOOD** A flood that has the following characteristics:
823 (a) For areas amended to incorporate Atlas 14 data, a flood associated
824 with an area of a floodplain subject to a one percent or greater chance
825 of being flooded in any year (100-year flood) based on projected full
826 development in accordance with the City of Austin Drainage Criteria
827 Manual as amended to incorporate Atlas 14 data;
828 (b) For areas not yet amended to incorporate Atlas 14 data, a flood
829 associated with an area of a floodplain subject to a 0.2 percent or
830 greater chance of being flooded in any year (500-year flood)
831 calculated under the conditions underlying the FEMA Flood Insurance
832 Rate Map as of January 6, 2016, as subsequently revised, or as
833 calculated under existing conditions as prescribed by the Drainage
834 Criteria Manual using data predating Atlas 14; or
835 (c) For the Colorado River, a flood associated with an area of a floodplain
836 subject to a one percent or greater chance of being flooded in any year
837 (100-year flood) as depicted on the FEMA Flood Insurance Rate Map
838 dated January 6, 2016, or as subsequently revised.

839 (4) **DESIGN FLOOD ELEVATION** The elevation of the “design flood” relative
840 to the City of Austin vertical datum standard.

841 (5) **DEVELOPMENT** Any man-made change to improved or unimproved real
842 estate, including but not limited to, buildings or other structures, temporary
843 or permanent storage of materials, mining, dredging, filling, grading, paving,
844 excavations, operations and other land disturbing activities.

845 (6) **FLOOD or FLOODING** A general and temporary condition of partial or
846 complete inundation of normally dry land from:

847 (a) the overflow of inland waters; or

848 (b) the unusual and rapid accumulation or runoff of surface waters from
849 any source.

- 850 (7) FLOOD DAMAGE-RESISTANT MATERIALS Any construction material
851 capable of withstanding direct and prolonged contact with floodwaters
852 without sustaining any damage that requires more than cosmetic repair.
- 853 (8) FLOOD HAZARD AREA An area that has the following characteristics:
- 854 (a) For areas amended to incorporate Atlas 14 data, an area within a
855 floodplain subject to a one percent or greater chance of being flooded
856 in any year (100-year flood) based on projected full development in
857 accordance with the City of Austin Drainage Criteria Manual as
858 amended to incorporate Atlas 14 data;
- 859 (b) For areas not yet amended to incorporate Atlas 14 data, an area of a
860 floodplain subject to a 0.2 percent or greater chance of being flooded
861 in any year (500-year flood) calculated under the conditions
862 underlying the FEMA Flood Insurance Rate Map as of January 6,
863 2016, as subsequently revised, or as calculated under existing
864 conditions as prescribed by the Drainage Criteria Manual using data
865 predating Atlas 14; or
- 866 (c) For the Colorado River, an area within a floodplain subject to a one
867 percent or greater chance of being flooded in any year (100-year
868 flood) as depicted on the FEMA Flood Insurance Rate Map dated
869 January 6, 2016, or as subsequently revised.
- 870 (9) FLOOD INSURANCE RATE MAP (FIRM) An official map of a
871 community on which the Federal Emergency Management Agency (FEMA)
872 has delineated both the special flood hazard areas and the risk premium
873 zones applicable to the community.
- 874 (10) FLOOD INSURANCE STUDY The official report provided by the Federal
875 Emergency Management Agency containing the Flood Insurance Rate Map
876 (FIRM), the Flood Boundary Map, the water surface elevation of the base
877 flood, and supporting technical data.
- 878 (11) FLOODWAY The channel of the river, creek, or other watercourse and the
879 adjacent land areas that shall be reserved in order to discharge the base flood
880 without cumulatively increasing the water surface elevation more than a
881 designated height. An area that has the following characteristics:
- 882 (a) For the Colorado River, an area with a floodplain subject to a four
883 percent or greater chance of flooding in any year (25-year flood)

- 884 based on existing developed conditions as prescribed by the Drainage
885 Criteria Manual using data predating Atlas 14; or
- 886 (b) For all other rivers, creeks, and watercourses in areas amended to
887 incorporate Atlas 14 data, an area with a four percent or greater
888 chance of flooding in any year (25-year flood) based on a projected
889 full development in accordance with the City of Austin Drainage
890 Criteria Manual as amended to incorporate Atlas 14 data; or
- 891 (c) For all other rivers, creeks, and watercourses in areas not yet amended
892 to incorporate Atlas 14 data, an area with a one percent or greater
893 chance of flooding in any year (100-year flood) based on a projected
894 full development in accordance with the City of Austin Drainage
895 Criteria Manual using data predating Atlas 14.
- 896 (12) **FUNCTIONALLY DEPENDENT FACILITY** A facility which cannot be
897 used for its intended purpose unless it is located or carried out in close
898 proximity to water, such as a docking or port facility necessary for the
899 loading or unloading of cargo or passengers, shipbuilding or ship repair. The
900 term does not include long-term storage, manufacture, sales or service
901 facilities.
- 902 (13) **MANUFACTURED HOME** A structure that is transportable in one or more
903 sections, built on a permanent chassis, designed for use with or without a
904 permanent foundation when attached to the required utilities, and
905 constructed to the Federal Mobile Home Construction and Safety Standards
906 and rules and regulations promulgated by the U.S. Department of Housing
907 and Urban Development. The term also includes mobile homes, park trailers,
908 travel trailers and similar transportable structures that are placed on a site for
909 180 consecutive days or longer.
- 910 (14) **MANUFACTURED HOME PARK OR SUBDIVISION** A parcel (or
911 contiguous parcels) of land divided into two or more manufactured home
912 lots for rent or sale.
- 913 (15) **RECREATIONAL VEHICLE** A vehicle that is built on a single chassis, 400
914 square feet (37.16 m2) or less when measured at the largest horizontal
915 projection, designed to be self-propelled or permanently towable by a light-
916 duty truck, and designed primarily not for use as a permanent dwelling but,
917 as temporary living quarters for recreational, camping, travel or seasonal
918 use. A recreational vehicle is ready for highway use if it is on its wheels or
919 jacking system, is attached to the site only by quick disconnect-type utilities
920 and security devices and has no permanently attached additions.

- 921 (16) **REGULATORY FLOOD DATUM** An established plane of reference from
922 which elevations and depth of flooding may be determined for specific
923 locations of the floodplain. It is the water level of the design flood plus a
924 freeboard factor of one foot. Design flood plus freeboard equals Regulatory
925 Flood Datum.
- 926 (17) **SPECIAL FLOOD HAZARD AREA** The land area subject to flood hazards
927 and shown on a Flood Insurance Rate Map or other flood hazard map as
928 Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or VI-30.
- 929 (18) **START OF CONSTRUCTION** The date a permit is issued for new
930 construction or substantial improvements to existing structures if
931 construction, repair, reconstruction, rehabilitation, addition, placement or
932 other improvement starts within 180 days from the date the permit is issued.
933 Construction starts when permanent construction of a building (including a
934 manufactured home) is first placed and includes pouring a slab or footing,
935 installing pilings, or constructing columns. Permanent construction does not
936 include preparing land (clearing, excavating, grading, or filing); installing
937 streets or walkways; excavating for a basement, footing, pier, or foundation;
938 or erecting temporary forms or installing accessory buildings not occupied
939 as dwelling units or not part of the main building. For a substantial
940 improvement, construction starts when a wall, ceiling, floor, or other
941 structural part of a building is altered even if the alteration does not affect
942 the external dimensions of the building.
- 943 (19) **SUBSTANTIAL DAMAGE** Damage of any origin sustained by a structure,
944 whereby the cost of restoring the structure to its before-damage condition
945 would equal or exceed 50 percent of the market value of the structure before
946 the damage occurred.
- 947 (20) **SUBSTANTIAL IMPROVEMENT** For the purpose of determining
948 compliance with the flood hazard management provisions of the Building
949 Code, a substantial improvement is any combination of repair,
950 reconstruction, rehabilitation, alteration, addition or other improvement of a
951 building or structure during the immediate 10-year period, the cost of which
952 cumulatively equals or exceeds 50 percent of the market value of the
953 structure before the improvement or repair is started, or if the structure has
954 been damaged and is being restored, before the damage occurred. If the
955 structure has sustained substantial damage, any repairs are considered
956 substantial improvement regardless of the actual repair work performed. The
957 term does not, however, include either of the following:

- 958 1. Any project for improvement of a building required to correct existing
959 health, sanitary or safety code violations identified by the building
960 official and that are the minimum necessary to assure safe living
961 conditions.
- 962 2. Any alteration of a historic structure, provided that the alteration will
963 not preclude the structure's continued designation as a historic
964 structure; for the purpose of this exclusion, a historic building is a
965 building that is:
- 966 a. listed or preliminarily determined to be eligible for listing in the
967 National Register of Historic Places; or
- 968 b. determined by the Secretary of the U.S. Department of the
969 Interior as contributing to the historical significance of a
970 registered historic district or a district preliminarily determined
971 to qualify as a historic district; or
- 972 c. designated as historic under a State of Texas or local historic
973 preservation program that is approved by the Department of the
974 Interior.

975 (22) VARIANCE A grant of relief from the requirements of this article which
976 permits construction in a manner otherwise prohibited by this article where
977 specific enforcement would result in unnecessary hardship.

978 (B) A term defined in an article in this chapter has the same meaning in this article.

979 **§ 25-12-53 FLOOD LOADS.**

980 (A) General

- 981 (1) Within flood hazard areas as established in Subsection (B) (*Establishment of*
982 *flood hazard areas*), all new construction and alterations of buildings,
983 structures and portions of buildings and structures, including substantial
984 improvement and restoration of substantial damage to buildings and
985 structures, shall be designed and constructed to resist the effects of flood
986 hazards and flood loads. When new construction constitutes a substantial
987 improvement or restoration of substantial damage all aspects of the existing
988 structure shall be brought into compliance with the requirements for new
989 construction for flood design. All elevation requirements noted in this
990 ordinance shall be documented using the Elevation Certificate, FEMA 086-
991 0-33, and shall be certified by a registered professional engineer, surveyor,
992 or architect, and shall be submitted to the Floodplain Administrator.

993 (2) Except as otherwise provided, this section applies to residential and non-
994 residential building and structures.

995 (B) Establishment of flood hazard areas. The City establishes a flood hazard area that
996 includes the following:

997 (1) areas of special flood hazard areas identified by the Federal
998 Emergency Management Agency in the current scientific and
999 engineering report entitled, "The Flood Insurance Study (FIS) for
1000 Williamson County, Texas and Incorporated Areas" dated December
1001 20, 2019, with accompanying Flood Insurance Rate Maps (FIRM)
1002 dated December 20, 2019, the current scientific and engineering
1003 report entitled "The Flood Insurance Study for Travis County, Texas
1004 and Incorporated Areas" dated January 6, 2016, with accompanying
1005 Flood Insurance Rate Maps dated January 6, 2016, and any revisions
1006 are adopted by reference and declared to be a part of this section; and

1007 (2) the 100-year and 25-year floodplains as defined in the Austin City
1008 Code are adopted by reference and declared to be part of this section.

1009 (C) Design and construction. The design and construction of buildings and structures,
1010 and additions and alterations to buildings and structures located in flood hazard
1011 areas, shall be in accordance with ASCE 24, Flood Resistant Design and
1012 Construction.

1013 (1) Elevation Requirements.

1014 (a) Unless otherwise specified in Title 25 (*Land Development*), the lowest
1015 floor of a building or structure shall be elevated a minimum of two
1016 feet above the design flood elevation.

1017 (b) Freeboard. Unless otherwise specified in the Title 25 (*Land*
1018 *Development*), a minimum freeboard of two foot shall be added where
1019 the design flood elevation or other elevation requirements are
1020 specified.

1021 (c) In areas of shallow flooding (AO Zones), the lowest floor (including a
1022 basement) of a building or structure shall be elevated higher than the
1023 highest adjacent grade as the depth number specified in feet (mm) on
1024 the FIRM plus two feet, or at least three feet (915 mm) if a depth
1025 number is not specified.

1026 (d) A basement floor that is below grade on all sides shall be elevated at
1027 least two feet above the design flood elevation.

1028 Exception. An enclosed area, including a basement, which is below
1029 the design flood elevation but not below grade on all sides shall meet
1030 the requirements in Subsection (C)(2) (*Enclosed area below design*
1031 *flood elevation*).

1032 (2) Enclosed area below design flood elevation. An enclosed area, including a
1033 crawl space, that is below the regulatory flood datum shall:

1034 (a) be used only for parking vehicles, building access or storage
1035 excluding property, material, or equipment that may constitute a
1036 safety hazard when contacted by flood waters;

1037 (b) include flood openings that meet the following criteria:

1038 (i) the enclosed area shall have a minimum of two openings
1039 located on different sides of the enclosed area; if a building
1040 includes more than one enclosed area below the design flood
1041 elevation, each area shall have openings on exterior walls;

1042 (ii) the total net area of all openings shall be at least 1 square inch
1043 (645 mm²) per square foot (0.093 m²) of the enclosed area, or
1044 the openings are designed and the construction documents state
1045 that the design and installation will provide for the equalization
1046 of hydrostatic flood forces on exterior walls by allowing for the
1047 automatic entry and exit of floodwaters;

1048 (iii) the bottom of each opening is 1 foot (305 mm) or less above
1049 adjacent ground level;

1050 (iv) each opening is at least 3 inches (76 mm) in diameter;

1051 (v) any louvers, screens or other opening covers allow the
1052 automatic flow of floodwaters into and out of the enclosed
1053 areas;

1054 (vi) a door or window that does not meet the requirements in
1055 Subsection (C)(2)(b)(i) through (v) does not comply with this
1056 section; and

1057 (vii) constructed of flood damage-resistant materials.

1058 (3) Provisions of safe refuge.

- 1059 (a) A building or structure constructed in the flood hazard area where the
1060 ground surface is below the design flood elevation or where flood
1061 water velocities at the building may exceed five feet per second shall
1062 provide an enclosed refuge space two feet or more above the design
1063 flood elevation of sufficient area to provide for the occupancy load
1064 with a minimum of 12 square feet per person. The refuge space shall
1065 be provided to an exterior platform and stairway not less than three
1066 feet wide.
- 1067 (b) An existing building or structure in a flood hazard area that is
1068 substantially improved or where a change of use or occupancy is
1069 made, shall conform to the requirements of Subsection (a).
- 1070 (c) Regardless of the structure or space classification, a floor level or
1071 portion of a building or structure that is lower than two feet above the
1072 design flood elevation shall not be used residentially, or for storage of
1073 any property, materials, or equipment that might constitute a safety
1074 hazard when contacted by flood waters.
- 1075 (4) Means of egress.
- 1076 (a) Unless otherwise approved by the building official, normal access to
1077 the building shall be by direct connection with an area that is a
1078 minimum of one foot above the design flood elevation.
- 1079 (b) For a building that is part of a single-family condo regime residential
1080 building permit application and part of a site plan that was approved
1081 between December 1, 2017, and November 25, 2019, compliance with
1082 this section shall be determined at the time of site plan approval.
- 1083 (c) For a building that is part of a single-family building permit
1084 application and part of (a) a preliminary plan that was submitted for
1085 approval between December 1, 2014, and November 25, 2019, or (b)
1086 a final plat that was approved between December 1, 2017, and
1087 November 25, 2019, compliance with this section shall be determined
1088 at the time of preliminary plan or final plat approval, respectively.
- 1089 (d) For all other buildings subject to Article 11 (*Residential Code*),
1090 compliance with this section shall be determined at the time of
1091 building permit application.

1092 Exception. This subsection does not apply to an addition or alteration
1093 to an existing building or structure subject to Article 11 (*Residential*

1094 *Code*) that is not a substantial improvement as defined in Section 25-
1095 12-52 (*Definitions*).

1096 (5) Installation of openings. The walls of enclosed areas shall have openings
1097 installed such that:

1098 (a) There shall be not less than two openings on different sides of each
1099 enclosed area; if a building has more than one enclosed area, each
1100 area shall have openings.

1101 (b) The bottom of each opening shall be not more than 1 foot (305 mm)
1102 above the higher of the final interior grade or floor and the finished
1103 exterior grade immediately under each opening.

1104 (c) Openings shall be permitted to be installed in doors and windows;
1105 doors and windows without installed openings do not meet the
1106 requirements of this section.

1107 (D) Flood hazard documentation. For construction in flood hazard areas, the following
1108 documentation shall be prepared and sealed by a registered design professional and
1109 submitted to the building official:

1110 (1) The elevation of the lowest floor, including the basement, as required by the
1111 lowest floor elevation inspection in Building Code Section 110.3.3 (*Lowest*
1112 *floor elevation*) and for the final inspection in Building Code Section
1113 110.3.10.1 (*Flood hazard documentation*).

1114 (2) For fully enclosed areas below the design flood elevation where provisions
1115 to allow for the automatic entry and exit of floodwaters do not meet the
1116 minimum requirements in Section 2.6.2.1 of ASCE 24, construction
1117 documents shall include a statement that the design will provide for
1118 equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of
1119 ASCE 24.

1120 (3) For dry flood-proofed nonresidential buildings, construction documents shall
1121 include a statement that the dry floodproofing is designed in accordance with
1122 ASCE 24.

1123 (4) The as-built elevation documentation of the elevations specified in Section
1124 25-12-53(C)(1) (*Elevation Requirements*).

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§ 25-12-54 FLOOD-RESISTANT CONSTRUCTION.

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(A) Statutory Authorization. As a home-rule city, the City of Austin has the responsibility and power to adopt regulations designed to minimize flood losses. The Legislature of the State of Texas has in Sections 16.3145 and 16.315 of the Texas Water Code authorized local government units to adopt regulations designed to minimize flood losses.

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(B) Administration

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(1) Purpose. The purpose of this section is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas designed to:

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(a) prevent unnecessary disruption of commerce, access and public service during times of flooding;

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(b) manage the alteration of natural flood plains, stream channels and shorelines;

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(c) manage filling, grading, dredging and other development which may increase flood damage or erosion potential;

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(d) prevent or regulate the construction of flood barriers which will divert floodwaters or which can increase flood hazards;

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(e) contribute to improved construction techniques in the flood plain;

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(f) restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities; and

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(g) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

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(2) Objectives. The objectives of this section are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction

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1159 techniques in the flood plain and ensure that potential owners and occupants
1160 are notified that property is within flood hazard areas.

1161 (3) Scope. The provisions of this section shall apply to all proposed
1162 development in a flood hazard area established in Section 25-12-53 (*Flood*
1163 *Loads*) of this code.

1164 (4) Alternative provisions. As an alternative to the requirements applicable to
1165 building and structures subject to Article 11 (*Residential Code*), ASCE 24 is
1166 permitted subject to the limitations of this code and the limitations therein.

1167 (5) Structural systems. Structural systems of buildings and structures shall be
1168 designed, connected and anchored to resist flotation, collapse or permanent
1169 lateral movement due to structural loads and stresses from flooding equal to
1170 the design flood elevation.

1171 (6) Flood-resistant construction. Buildings and structures erected in areas prone
1172 to flooding shall be constructed by methods and practices that minimize
1173 flood damage.

1174 (C) Applicability

1175 (1) General. This section, in conjunction with other applicable provisions in this
1176 chapter, provides minimum requirements for development located in flood
1177 hazard areas, including:

1178 (a) the subdivision of land;

1179 (b) site improvements and installation of utilities;

1180 (c) placement and replacement of manufactured homes;

1181 (d) placement of recreational vehicles;

1182 (e) new construction and repair, reconstruction, rehabilitation, or
1183 additions to new construction;

1184 (f) substantial improvement of existing buildings and structures,
1185 including restoration after damage; and

1186 (g) the installation of tanks.

1187 (2) Abrogation and greater restrictions. This section is not intended to repeal,
1188 abrogate, or impair any existing easements, covenants, or deed restrictions.
1189 However, where this section and another city code provision, easement,

1190 covenant, or deed restriction conflict or overlap, whichever imposes the
1191 more stringent restrictions shall prevail.

1192 (3) Establishment of flood hazard areas. Flood hazard areas are established in
1193 Section 25-12-53(B) (*Establishment of flood hazard areas*).

1194 (4) Nonconforming Uses. A structure, or the use of a structure or premises,
1195 which was lawful before the adoption of the Building Code, but which does
1196 not conform with the requirements of these regulations, may be continued
1197 subject to the following conditions:

1198 (a) No such use shall be expanded, changed, enlarged, or altered in a way
1199 which increases its nonconformity.

1200 (b) No substantial improvement of the structure shall be made unless the
1201 structure is changed to conform to these regulations.

1202 (c) If a nonconforming use is discontinued for a period of 90 days, any
1203 future use of the building or premises shall conform to these
1204 regulations.

1205 (d) Any nonconforming use or structure which is destroyed by any
1206 means, including floods, to an extent of 50 percent or more of its
1207 market value, shall not be reconstructed except in conformance with
1208 the provisions of these regulations.

1209 (D) Powers and Duties

1210 (1) Permit applications. All applications for permits shall comply with the
1211 following:

1212 (a) The building official shall review all permit applications to determine
1213 whether proposed development is located in flood hazard areas
1214 established in Section 25-12-53(B) (*Establishment of flood hazard*
1215 *areas*).

1216 (b) Where a proposed development site is in a flood hazard area, all
1217 development to which this section is applicable as specified in
1218 Subsection (C)(1) (*General*) shall be designed and constructed with
1219 methods, practices and materials that minimize flood damage and that
1220 are in accordance with the applicable provisions in Chapter 25-12
1221 (*Technical Code*) and ASCE 24.

- 1222 (2) Other Permits. It shall be the responsibility of the building official to ensure
1223 that approval of a proposed development shall not be given until proof that
1224 necessary approvals and/or permits have been granted by federal, state, or
1225 local agencies having jurisdiction over such development.
- 1226 (3) Establishing the design flood elevation. The design flood elevation defines
1227 areas prone to flooding and describes, at a minimum, the base flood
1228 elevation at the depth of peak elevation of flooding based upon:
- 1229 (a) For areas amended to incorporate Atlas 14 data, the 100-year
1230 floodplain calculated under fully developed conditions in accordance
1231 with the City of Austin Drainage Criteria Manual as amended to
1232 incorporate Atlas 14 data;
- 1233 (b) For areas not yet amended to incorporate Atlas 14 data, the 500-year
1234 floodplain either as depicted on the FEMA Flood Insurance Rate Map
1235 as of January 6, 2016, as subsequently revised, or as calculated under
1236 existing conditions as prescribed by the Drainage Criteria Manual
1237 using data predating Atlas 14; or
- 1238 (c) For the Colorado River, the 100-year floodplain as depicted on the
1239 FEMA Flood Insurance Rate Map dated January 6, 2016, or as
1240 subsequently revised.
- 1241 (4) Determination of design flood elevations. If design flood elevations are not
1242 specified, the building official is authorized to require the applicant to:
- 1243 (a) Obtain, review and reasonably utilize data available from a federal,
1244 state or other source; or
- 1245 (b) Determine the design flood elevation in accordance with the 100-year
1246 floodplain as defined in the Austin City Code. Such analyses shall be
1247 performed and sealed by a Professional Engineer licensed by the State
1248 of Texas. Studies, analyses and computations shall be submitted in
1249 sufficient detail to allow review and approval by the building official.
1250 The accuracy of data submitted for such determination shall be the
1251 responsibility of the applicant.
- 1252 (5) Determination of impacts. In a riverine flood hazard area where design flood
1253 elevations are specified but floodways have not been designated, an
1254 applicant shall demonstrate that the effect of the proposed building or
1255 structure on design flood elevations, including fill, when combined with all

1256 other existing and anticipated flood hazard area encroachments, will not
1257 increase the design flood elevation at any point within the jurisdiction.

1258 (6) Activities in riverine flood hazard areas. In riverine situations, the building
1259 official shall not permit any new construction, substantial improvement or
1260 other development, including fill, unless the applicant submits an
1261 engineering analysis prepared by a registered design professional,
1262 demonstrating that the cumulative effect of the proposed development, when
1263 combined with all other existing and anticipated development, will not
1264 increase the design flood elevation at any point that results in additional
1265 adverse flooding on other property.

1266 (7) Lowest floor. The lowest floor shall be the floor of the lowest enclosed area,
1267 including basement. The lowest floor does not include any unfinished flood-
1268 resistant enclosure that is used only for vehicle parking, building access, or
1269 limited storage, unless the enclosure is built to cause the building or
1270 structure to violate this section.

1271 Exception. An unfinished enclosure used for storage of property, materials,
1272 or equipment that constitute a safety hazard if contacted by flood waters is a
1273 lowest floor.

1274 (8) Protection of mechanical, plumbing and electrical systems. Electrical
1275 systems, equipment and components; heating, ventilating, air-conditioning;
1276 plumbing appliances and plumbing fixtures; duct systems; and other service
1277 equipment shall be located at or above the elevation required in Section 25-
1278 12-53(C)(1) (*Elevation Requirements*). If replaced as part of a substantial
1279 improvement, electrical systems, equipment and components; heating,
1280 ventilating, air-conditioning and plumbing appliances and plumbing fixtures;
1281 duct systems; and other service equipment shall meet the requirements of
1282 this section. Systems, fixtures, and equipment and components shall not be
1283 mounted on or penetrate through walls intended to break away under flood
1284 loads.

1285 Exception. Locating electrical systems, equipment and components; heating,
1286 ventilating, air-conditioning; plumbing appliances and plumbing fixtures;
1287 duct systems; and other service equipment is permitted below the elevation
1288 required in Section 25-12-53(C)(1) (*Elevation Requirements*) provided that
1289 they are designed and installed to prevent water from entering or
1290 accumulating within the components and to resist hydrostatic and
1291 hydrodynamic loads and stresses, including the effects of buoyancy, during
1292 the occurrence of flooding to the required elevation in accordance with
1293 ASCE 24. Electrical wiring systems are permitted to be located below the

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required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.

- (9) Protection of water supply and sanitary sewage systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters in accordance with the plumbing provisions of this code and Chapter 3 of the International Private Sewage Disposal Code.
- (10) Flood-resistant materials. Building materials and installation methods used for flooring and interior and exterior walls and wall coverings below the elevation required in Section 25-12-53(C)(1) (*Elevation Requirements*) shall be flood damage-resistant materials that conform to the provisions of FEMA TB-2.
- (11) Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing activity, the building official shall require submission of a certification prepared by a Professional Engineer licensed by the State of Texas, along with supporting technical data in accordance with the City of Austin Drainage Criteria Manual, demonstrating that such development will not cause any increase of the level of the design flood.
- (12) Floodway revisions. A floodway encroachment that increases the level of the design flood may be considered for a variance only if the applicant has applied for a conditional Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency (FEMA) provided the conditional Flood Insurance Rate Map (FIRM) revision is required by the City of Austin Drainage Criteria Manual.
- (13) Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the building official shall require the applicant to provide notification of the proposal to the appropriate authorities of all affected adjacent government jurisdictions, as well as appropriate state agencies. A copy of the notification shall be maintained in the permit records and submitted to FEMA.
- (14) Engineering analysis. The building official shall require submission of an engineering analysis in accordance with the City of Austin Drainage Criteria

1331 Manual performed and sealed by a Professional Engineer licensed by the
1332 State of Texas demonstrating that the flood-carrying capacity of the altered
1333 or relocated portion of the watercourse will not be decreased. Such
1334 watercourses shall be maintained in a manner which preserves the channel's
1335 flood-carrying capacity.

1336 (15) Records. The building official shall maintain a permanent record of all
1337 permits issued in flood hazard areas, including copies of inspection reports
1338 and certifications required in Section 25-12-53(D) (*Flood hazard*
1339 *documentation*).

1340 (16) Inspections. Development for which a permit under this section is required
1341 shall be subject to inspection. The building official or the building official's
1342 designee shall make, or cause to be made, inspections of all development in
1343 flood hazard areas authorized by issuance of a permit under this section.

1344 (E) Permits

1345 (1) Required. Any person, owner or owner's authorized agent who intends to
1346 conduct any development in a flood hazard area shall first make application
1347 to the building official and shall obtain the required permit.

1348 (2) Application for permit. The applicant shall file an application in writing on
1349 a form furnished by the building official. Such application shall:

1350 (a) Identify and describe the development to be covered by the permit.

1351 (b) Describe the land on which the proposed development is to be
1352 conducted by legal description, street address or similar description
1353 that will readily identify and definitely locate the site.

1354 (c) Include a site plan showing the delineation of flood hazard areas,
1355 floodway boundaries, flood zones, design flood elevations, ground
1356 elevations, proposed lowest floor elevation, proposed fill and
1357 excavation and drainage patterns and facilities.

1358 (d) Include in subdivision proposals and other proposed developments
1359 with more than 50 lots or larger than 5 acres (20,234 m²), base flood
1360 elevation data in accordance with Section 25-12-53(B) (*Establishment*
1361 *of flood hazard areas*).

1362 (e) Indicate the use and occupancy for which the proposed development
1363 is intended.

- 1364 (f) Be accompanied by construction documents, grading and filling plans
1365 and other information deemed appropriate by the building official.
- 1366 (g) State the valuation of the proposed work.
- 1367 (h) Be signed by the applicant or the applicant's authorized agent.
- 1368 (3) Validity of permit. The issuance of a permit under this section shall not be
1369 construed to be a permit for, or approval of, any violation of this section or
1370 any other ordinance of the jurisdiction. The issuance of a permit based on
1371 submitted documents and information shall not prevent the building official
1372 from requiring the correction of errors. The building official is authorized to
1373 prevent occupancy or use of a structure or site which is in violation of this
1374 section or other ordinances of the City of Austin.
- 1375 (4) Time Limitation on Application; Permit Expiration and Reactivation.
1376 Article 13 (*Administration of Technical Codes*) of this chapter establishes
1377 permit application time limits and requirements applicable to permit
1378 expiration and reactivation, including a review fee for expired permits.
- 1379 Exception: Permits issued under Section 105.1.1 (*Annual permit*) are only
1380 valid for a period of 360 days from the date of issuance and cannot be
1381 extended.
- 1382 (5) Suspension or revocation. The building official is authorized to suspend or
1383 revoke a permit issued under this section wherever the permit is issued in
1384 error or on the basis of incorrect, inaccurate or incomplete information, or in
1385 violation of any ordinance or code of the City of Austin.
- 1386 (F) Variances
- 1387 (1) General. The City Council shall decide requests for variances from the
1388 floodplain regulations in this code and Chapter 25-7 (*Drainage*) after
1389 conducting a public hearing. The City Council shall base its determination
1390 on technical justifications and has the right to attach such conditions to
1391 variances as it deems necessary to further the purposes and objectives of this
1392 article.
- 1393 (2) Records. The building official shall maintain a permanent record of all
1394 variance actions, including justification for their issuance.
- 1395 (3) Historic structures. A variance may be issued for the repair or rehabilitation
1396 of a historic structure upon a determination that the proposed repair or
1397 rehabilitation will not preclude the structure's continued designation as a

1398 historic structure, and the variance is the minimum necessary to preserve the
1399 historic character and design of the structure.

1400 Exception: Within flood hazard areas, historic structures that are not:

1401 (a) listed or preliminarily determined to be eligible for listing in the
1402 National Register of Historic Places; or

1403 (b) determined by the Secretary of the U.S. Department of Interior as
1404 contributing to the historical significance of a registered historic
1405 district or a district preliminarily determined to qualify as a historic
1406 district; or

1407 (c) designated as historic under a state or local historic preservation
1408 program that is approved by the Department of Interior.

1409 (4) Functionally dependent facilities. A variance may be issued for the
1410 construction or substantial improvement of a functionally dependent facility
1411 provided the criteria in Section 25-12-53(A) (*General*) are met and the
1412 variance is the minimum necessary to allow the construction or substantial
1413 improvement, and that all due consideration has been given to methods and
1414 materials that minimize flood damages during the design flood and create no
1415 additional threats to public safety.

1416 (5) Restrictions. The City Council shall not issue a variance for any proposed
1417 development in a floodway if any increase in flood levels would result
1418 during the design flood discharge.

1419 (6) Considerations. In reviewing applications for variances, the City Council
1420 shall consider all technical evaluations, all relevant factors, all other portions
1421 of this section, and each of the following:

1422 (a) The danger that materials and debris may be swept onto other lands
1423 resulting in further injury or damage.

1424 (b) The danger to life and property due to flooding or erosion damage.

1425 (c) The susceptibility of the proposed development, including contents, to
1426 flood damage and the effect of such damage on current and future
1427 owners.

1428 (d) The importance of the services provided by the proposed development
1429 to the community.

- 1430 (e) The availability of alternate locations for the proposed development
1431 that are not subject to flooding or erosion.
- 1432 (f) The compatibility of the proposed development with existing and
1433 anticipated development.
- 1434 (g) The relationship of the proposed development to the comprehensive
1435 plan and flood plain management program for that area.
- 1436 (h) The safety of access to the property in times of flood for ordinary and
1437 emergency vehicles.
- 1438 (i) The expected heights, velocity, duration, rate of rise and debris and
1439 sediment transport of the floodwaters and the effects of wave action, if
1440 applicable, expected at the site.
- 1441 (j) The costs of providing governmental services during and after flood
1442 conditions including maintenance and repair of public utilities and
1443 facilities such as sewer, gas, electrical and water systems, streets and
1444 bridges.
- 1445 (7) Conditions for issuance. Variances shall only be issued by the City Council
1446 upon:
- 1447 (a) a technical showing of good and sufficient cause based on the unique
1448 characteristics of the size, configuration or topography of the site;
- 1449 (b) a determination that failure to grant the variance would result in
1450 exceptional hardship by rendering the lot undevelopable;
- 1451 (c) a determination that the granting of a variance will not result in
1452 increased flood heights, additional threats to public safety,
1453 extraordinary public expense, nor create nuisances, cause fraud on or
1454 victimization of the public or conflict with existing local laws or
1455 ordinances;
- 1456 (d) a determination that the variance is the minimum necessary,
1457 considering the flood hazard, to afford relief; and
- 1458 (e) notification to the applicant in writing over the signature of the
1459 building official that the issuance of a variance to construct a structure
1460 below the base flood level will result in increased premium rates for
1461 flood insurance, and that such construction below the base flood level
1462 increases risks to life and property.

1463 (G) Subdivisions

1464 (1) General. Any subdivision proposal, including proposals for manufactured
1465 home parks and subdivisions, or other proposed new development in a flood
1466 hazard area shall be reviewed to verify all of the following:

1467 (a) all such proposals are consistent with the need to minimize flood
1468 damage;

1469 (b) all public utilities and facilities, such as sewer, gas, electric and water
1470 systems are located and constructed to minimize or eliminate flood
1471 damage; and

1472 (c) adequate drainage is provided to reduce exposure to flood hazards.

1473 (2) Subdivision requirements. The following requirements shall apply in the
1474 case of any proposed subdivision, including proposals for manufactured
1475 home parks and subdivisions, any portion of which lies within a flood hazard
1476 area:

1477 (a) The flood hazard area, including floodways, as appropriate, shall be
1478 delineated on tentative and final subdivision plats.

1479 (b) Design flood elevations shall be shown on tentative and final
1480 subdivision plats.

1481 (c) Residential building lots shall be provided with adequate buildable
1482 area outside the flood hazard area.

1483 (d) The design criteria for utilities and facilities set forth in this section,
1484 Section 25-12-53 (*Flood Loads*), ASCE 24, the City of Austin
1485 Drainage Criteria Manual, and applicable FEMA design criteria shall
1486 be met.

1487 (H) Site Improvement

1488 (1) Development in floodways. Development or land disturbing activity shall
1489 not be authorized in the floodway unless it has been demonstrated through
1490 hydrologic and hydraulic analyses performed and sealed by a Professional
1491 Engineer licensed by the State of Texas in accordance with the City of
1492 Austin Drainage Criteria Manual, that the proposed encroachment will not
1493 result in any increase in the level of the design flood.

- 1494 (2) Sewer facilities. All new or replaced sanitary sewer facilities, private
1495 sewage treatment plants (including all pumping stations and collector
1496 systems) and on-site waste disposal systems shall be designed in accordance
1497 with Chapter 7, ASCE 24, to minimize or eliminate infiltration of
1498 floodwaters into the facilities and discharge from the facilities into
1499 floodwaters, or impairment of the facilities and systems.
- 1500 (3) Water facilities. All new replacement water facilities shall be designed in
1501 accordance with the provisions of Chapter 7, ASCE 24, to minimize or
1502 eliminate infiltration of floodwaters into the systems.
- 1503 (4) Storm drainage. Storm drainage shall be designed to convey the flow of
1504 surface waters to minimize or eliminate damage to persons or property.
- 1505 (5) Streets and sidewalks. Streets and sidewalks shall be designed to minimize
1506 potential for increasing or aggravating flood levels.
- 1507 (I) Manufactured Homes
- 1508 (1) Elevation.
- 1509 (a) All new and replacement manufactured homes to be placed or
1510 substantially improved in a flood hazard area shall be elevated such
1511 that the lowest floor of the manufactured home is elevated to a
1512 minimum of two feet above the design flood elevation. Elevation
1513 certification required by Section 25-12-53(D) (*Flood hazard*
1514 *documentation*) shall be submitted to the building official.
- 1515 (b) The bottom of the frame of new and replacement manufactured homes
1516 on foundations that conform to the requirements of Section 25-12-
1517 53(C)(1) (*Elevation Requirements*), as applicable, shall be elevated to
1518 or above the elevations specified in Section 25-12-53(C)(1) (*Elevation*
1519 *Requirements*). The anchor and tie-down requirements of the
1520 applicable state or federal requirements shall apply. The foundation
1521 and anchorage of manufactured homes to be located in identified
1522 floodways shall be designed and constructed in accordance with
1523 ASCE 24.
- 1524 (2) Foundations. All new and replacement manufactured homes, including
1525 substantial improvement of existing manufactured homes, shall be placed on
1526 a permanent, reinforced foundation that is designed in accordance with
1527 Section 25-12-53 (*Flood Loads*).

1528 (3) Anchoring. All new and replacement manufactured homes to be placed or
1529 substantially improved in a flood hazard area shall be installed using
1530 methods and practices which minimize flood damage. Manufactured homes
1531 shall be securely anchored to an adequately anchored foundation system to
1532 resist flotation, collapse and lateral movement. Methods of anchoring are
1533 authorized to include, but are not limited to, use of over-the-top or frame ties
1534 to ground anchors. This requirement is in addition to applicable state and
1535 local anchoring requirements for resisting wind forces.

1536 (4) Protection of mechanical equipment and outside appliances. Mechanical
1537 equipment and outside appliances shall be elevated a minimum of two foot
1538 above the design flood elevation to or above the design flood elevation.

1539 Exception. Where such equipment and appliances are designed and
1540 installed to prevent water from entering or accumulating within their
1541 components and the systems are constructed to resist hydrostatic and
1542 hydrodynamic loads and stresses, including the effects of buoyancy,
1543 during the occurrence of flooding up to the elevation required by
1544 Section 25-12-53(C)(1) (*Elevation Requirements*), the systems and
1545 equipment shall be permitted to be located below the elevation
1546 required by 25-12-53(C)(1) (*Elevation Requirements*). Electrical
1547 wiring systems shall be permitted below the design flood elevation
1548 provided they conform to the provisions of NFPA 70.

1549 (5) Enclosures. Fully enclosed areas below elevated manufactured homes shall
1550 comply with the requirements of 25-12-53(C) (*Design and Construction*).

1551 (J) Recreational Vehicles

1552 (1) Placement prohibited. The placement of recreational vehicles shall not be
1553 authorized in floodways.

1554 (2) Temporary placement. Recreational vehicles in flood hazard areas shall be
1555 fully licensed and ready for highway use; and shall be placed on a site for
1556 less than 180 consecutive days.

1557 (3) Permanent placement. Recreational vehicles that are not fully licensed and
1558 ready for highway use, or that are to be placed on a site for more than 180
1559 consecutive days, shall meet the requirements of Subsection (I)
1560 (*Manufactured Homes*) for manufactured homes.

1561 (K) Tanks. Underground and above-ground tanks shall be designed, constructed,
1562 installed and anchored in accordance with ASCE 24.

1563 (L) Foundation design and construction. This subsection applies to a building or
1564 structure subject to Article 11 (*Residential Code*).

1565 (1) A foundation wall in a building or structure erected in a flood hazard area
1566 shall meet the requirements in Residential Code, Chapter 4 (*Foundations*).

1567 Exception: Unless designed consistent with Residential Code, Section R404
1568 (*Foundation and Retaining Walls*):

1569 (a) the unsupported height of a 6-inch (152 mm) plain masonry wall shall
1570 not exceed 3 feet (914 mm);

1571 (b) the unsupported height of an 8-inch (203 mm) plain masonry wall
1572 shall not exceed 4 feet (1219 mm); and

1573 (c) the unsupported height of an 8-inch (203 mm) reinforced masonry
1574 wall shall not exceed 8 feet (2438 mm).

1575 (2) For purposes of the exception in (1), unsupported height is measured from
1576 the finished grade of the under-floor space to the top of the wall.

1577 **§ 25-12-55 OFFENSE AND PENALTY.**

1578 (A) A person who violates this article commits a separate offense for each day the
1579 violation continues.

1580 (B) A person who fails to comply with a permit or variance granted pursuant to this
1581 article commits a separate offense for each day the violation continues.

1582 (C) A person who violates this article or fails to comply with a permit or a variance
1583 granted pursuant to this article commits a misdemeanor punishable as set forth in
1584 Section 25-1-462 (*Criminal Enforcement*).

1585 **PART 5.** City Code Sections 25-7-92(C)(3) (*Encroachment on Floodplain Prohibited*);
1586 25-7-93(B)(2) (*General Exceptions*); 25-7-94 (C)(2) and (E) (*Requirements in Central*
1587 *Business Area*); 25-7-96(D)(2) (*Requirements in the 25-Year Floodplain*); and 25-7-
1588 152(E)(2)(d) (*Dedication of Easements and Rights-of-Way*) are amended to replace
1589 certain references to read as follows:

1590 **§ 25-7-92 ENCROACHMENT ON FLOODPLAIN PROHIBITED.**

1591 (C) The director may grant a variance to Subsection (A) or (B) if the director
1592 determines that:

1593 (3) a proposed building complies with the requirements in Chapter 25-12,
1594 Article 3 (Flood Hazard Areas) [~~Article 1, Section 25-12-3 Appendix G~~
1595 ~~(Flood Resistant Construction) and Section 1612 (Flood Loads)~~];

1596 **§ 25-7-93 GENERAL EXCEPTIONS.**

1597 (B) To be approved under this section, development must:

1598 (2) comply with the requirements in Chapter 25-12, Article 3 (Flood Hazard
1599 Areas) [~~Article 1, Section 25-12-3 Appendix G (Flood Resistant~~
1600 ~~Construction) and Section 1612 (Flood Loads)~~];

1601 **§ 25-7-94 REQUIREMENT IN CENTRAL BUSINESS AREA.**

1602 (C) A development application with a proposed building or parking area that
1603 encroaches on the 100-year floodplain may be approved if:

1604 (2) normal access to that building is by direct connection with an area above the
1605 regulatory flood datum, as defined in Chapter 25-12, Article 3 (Flood
1606 Hazard Areas) [~~by Chapter 25-12, Article 1 (Building Code)~~];

1607 (E) A development application that may be approved under this section must comply
1608 with the flood proofing requirements in Chapter 25-12, Article 3 (Flood Hazard
1609 Areas) [~~of Chapter 25-12, Article 1 (Building Code)~~].

1610 **§ 25-7-96 REQUIREMENTS IN THE 25-YEAR FLOODPLAIN.**

1611 (D) To be approved under this section, development must:

1612 (2) comply with the requirements in Chapter 25-12, Article 3 (Flood Hazard
1613 Areas) [~~Article 1, Section 25-12-3 Appendix G (Flood Resistant~~
1614 ~~Construction) and Section 1612 (Flood Loads)~~];

1615 **§ 25-7-152 DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY.**

1616 (E) For property in the full-purpose limits of the city, the director may grant a variance
1617 to Subsection (A) if the director determines:

1618 (2) the development:

1619 (d) is a non-conforming use, as defined by Chapter 25-12, Article 3
1620 (Flood Hazard Areas) [~~Article 1, Appendix G, Section G102.3~~
1621 ~~(Nonconforming Uses)~~].

